

The regular meeting of the Town Assembly of the Village of Arden was held on January 26, 1976 in the Gild Hall with Thomas Colgan, presiding.

A letter was from the Jaffes concerning a path through their property. The letter was in answer to a letter from the Community Planning Committee, and the committee has been asked to check into the matter further.

The minutes of the September, 1975 meeting were accepted as circulated.

The Trustees report was presented by Cy Liberman.

1. The Trustees wish to thank various members of the community who have written or spoken to them with suggestions on the vacancy on the Trustees. The Trustees have decided to nominate Shaul Gladstone to be the third Trustee. A letter will be sent from the Trustees to all residents reviewing Mr. Gladstone's qualification when the referendum is conducted.

2. A letter will be sent to leaseholders whose lots adjoin the woodlands. We will suggest to those leaseholders that they try to locate surveyors markers for the boundaries between their lots and the woodlands. In the Spring the trustees plan to inspect those boundaries to check the allegations that some leaseholders are encroaching on the forests. The existing survey of the lots will be used in this check.

3. The Trustees will restate their policy to require a suitable survey be available when a leasehold is transferred.

4. The Trustees have been asked to become an institutional members of the Historical Society of Delaware at a fee of \$15 per year. They think it is appropriate to do this in view of the fact that the society maintains the Arden archives.

5. The Trustees were informed by Linneaus L. Hoopes Jr. and Sr. of their plans to develop a neighborhood shopping center at Grubb's Corner. They will use the Odd Fellow Building and adjoining land which has two houses on it. The New Castle County Department of Planning has informed Council Andrew J. Casey that they consider it inadvisable to introduce an ordinance to rezone about 4 acres to C-1 (neighborhood shopping), but they would consider it to rezone the land to Planned Local Commercial District category.

The department further said that if a zoning ordinance is introduced, the applicant will be asked for information on: 1. special efforts to preserve the scenic beauty and character of Arden. 2. landscaping and similar buffer protection for adjacent properties. 3. the use and fate of existing structures; and 4. traffic access and parking proposals.

The Trustees are concerned about the same subjects and also a device to insure that high standards of development would be used.

6. The Trustees financial report was circulated. The delinquencies in land rent amount to about \$3,200.--not an unusual amount. The Trustees are pressing for payment.

The report on motion was accepted. Financial report on file.

No reports from the Assessors, the Auditing Committee or the Budget Committee.

The Civic Committee report was prepared by Warren Hoffman and presented by Reese Davis.

Major committee activities concerned preparation for the winter, inspection of all playground equipment and consideration of the request of two leaseholders for a sewer easement through the Arden Forest.

Following the tragic accident on the Sherwood Green in November, the Civic Committee carefully inspected for safety all equipment on the Arden Commons. This equipment had been repaired and painted in the Spring of 1975 and was in good condition apparently at that time. Orders to make minor repairs to seats, etc. have been issued. The Trustees were requested to have the Engineering Department of the insurance company holding the Village Liability Policy inspect all equipment and perform or recommend how an internal inspection could be done. The inspection has been made, but Arden has not been advised of the results.

The Village Roads and Commons will be maintained in safe condition. Arrangements for plowing and sanding have been made. Roads will be plowed when snow reaches a depth which warrants the cost. Sanding will be done when necessary. Pond Road is plowed at a level to permit sledding by children and adults, but it will be sanded when snow turns to ice.

The committee notes with great sadness the passing of Newton Vandever, who for many years performed many jobs that helped make Arden a beautiful place.

The Civic Committee received a request from Morris Rosin and Louis Lipstein to permit installation of a sewer line from their leaseholds through a common trench in the Arden Forest to connection points on Hillside Road. The Committee feels that under the Charter only the Town Assembly can grant this permission in the form of an easement. Civic Committee prepared a map showing the proposed installation. A member of the Civic Committee inspected the site and reported that no trees will require removal and we do not believe any long-term damage will result. The basic reason for the request from the leaseholders is that installation in this manner will be substantially less expensive than any available alternative solution.

A resolution to be read by Mr. Rosin was prepared by the Civic Committee. It can be changed in any way by the Town Assembly. It provides for the following procedures.

1. Issuance of easements by the Village to Mr. Rosin and Mr. Lipstein.
2. Issuance of easement by Mr. Rosin to Mr. Lipstein (to permit him to cross his leasehold to reach the trench.) with concurrence of the Trustees.
3. Inspection and approval of the installation and ground restoration by the Civic Committee.
4. Perpetual maintenance of the sewer line by Mr. Rosin and Mr. Lipstein and anybody who takes over their leases in the future.

All aspects of this project which involve preparations of legal papers will be done by attorneys of Mr. Rosin and Mr. Lipstein at their expense with review by lawyers for the Village and Trustees of Arden.

Any Arden resident is welcomed to cut and remove dead wood from fallen trees in the forest. Permission is restricted to residents to exclude commercial operators. No permission will be granted to take a motor vehicle into a forest because of the likelihood that damage will result.

Suggestion that duPont Company may be willing to help in inspection of playground. The report on motion was accepted.

Community Planning Committee report presented by Ethel Monfort and sub report by Frank Akutowicz,

The committee believes that a comprehensive plan for Arden should be prepared suggesting what the town should look like in the year 2000. The committee is ready to start work on this.

During the winter the committee has walked through the two forests and noted cases where leaseholders have encroached on the woods. There are two cases where a pedestrian path has been marked private between lots #79 and Lots 80. On lot #137A the leaseholder has extended his lawn and garden across the right-of-way of a pedestrian path.

The committee is gathering information on the plans of the Wilmington Medical Center to build a new hospital near Ogletown and to close some Wilmington facilities.

The committee is continuing to sell copies of the Arden book and give them to new residents.

Frank Akutowicz reported that by and large the forests are in good condition. Some problems and suggestions for coping with are as follows:

1. Erosion and siltation in the creek bed is out of control. We need a state or federal program to introduce runoff retardation.
2. The drainage from the Hanby property and upper Ardentown is doing great damage
3. Another kind of erosion is occurring in the woods along the paths. The path from Cherry Lane to Indian Circle should be rebuilt. Suggestion that it would give summer jobs to some young people.
4. Outfalls from street drains. Suggestion we build dry dams in the gully.
5. Firewood, lumber and exploiting the woods not a problem yet. Suggestion that we let dead trees fall and just let them rot away.
6. Question whether Sherwood Fire Lane is necessary.
7. The old swimming pool is grassed and kept mowed and the banks are being permitted to naturally stabilize themselves.
8. The flood level on the Ardentown side of the old swimming pool is being raised by filling in the land and it will inevitably raise the flood level in the Arden side.
9. Suggest that permanent markers in concrete be used to mark the boundaries of leaseholders on forests.
10. Suggest the Civic Committee have dumpings of leaves and dirt from the roads down in the Sherwood forest.

The report on motion was accepted.

The Registration Committee report was made by Sally Hamburger. All items of the budget passed on the referendum. The following were elected to serve on the Board of Assessors: Carl Von Dreele, Jane Aughey, Cheryl Jones, Harold Monfort, Bernard Brachman, Marjorie van Gulick, Nancy Hajar. Thomas Colgan did not receive the required majority vote of the residents as Trustee. There are 413 registered voters for this meeting. On motion the report was accepted.

Safety Committee report by Shaul Gladstone.

Halloween patrol was carried out under the direction of Harold Monfort. Portable Citizens' Band equipment was used for the first time. Its use was generally favorable and it is the intention of the committee to add to this equipment as the budget permits.

Two major problems are burglary and arson. Suspected cases of the latter are being actively investigated by the fire marshall's office. Burglary is a continuing problem, and the police have had little success in combating it. A third problem area, we are working with the County narcotics unit and will report progress when there is any.

It is the intention of the committee to schedule a general open meeting on fire and theft. Dennis Moore, the Fire Prevention Officer at Claymont Fire Company, will present a one hour demonstration. Lt. Astfalk of the County Police Crime Prevention Division will supply a speaker who will discuss community involvement, and how it helps diminish crime. They wish to have a resolution by the Assmby requesting this meeting.

With respect to community involvement, it appears that our problems are from within the community, based on preliminary findings. It behooves us all to ask where our children are spending their spare time.

Under new business, the committee will propose three ordinances dealing with dogs, mini-bikes, and the water tower. A fourth, dealing with obstructions to traffic visibility, has been tabled until details can be worked out with the Civic Committee.

The dog situation has become worse and there are only seven agents for the whole county, and it is believed some enforcement must be carried out on a local level.

Mini-bikes are illegal as used in Arden. Local level enforcement is indicated.

The water-tower represents an extreme danger to those who climb to the top. The Suburban Water Company will prosecute the offenders for criminal trespass. The Water Company has been cooperative in repairing their protective facilities.

One of the traffic obstructions to be dealt with is the mail-box situation. We have scheduled a meeting with Mr. Plummer, Manager of Collection and Deliveries to make certain that all actions we take will be consistent with Federal Law and Postal Regulations. The report on motion approved.

A resolution was made and passed that the Town Assembly requests that the Safety Committee schedule a general open meeting on fire and theft.

Report from the Buzz Ware Village Center Committee by William Morley.

One of the provisions of the contract with the Wilmington Montessori Association was at the end of two years to mutually examine the financial experience of each group. The original estimates had been quite accurate. Cost of utilities had increase considerably; 1973-\$1625, 1975-\$2280. This increase has been born by Montessori. Building maintenance and security increased, but Montessori agreed to \$500. increase in this area. Total cost per year, 1973-\$8200., 1974-\$8700., 1975-\$9000. will reach \$10,000 in 1977. Long range maintenance funds of \$6000 are being accumulated.

Use of the buildings by Arden activities are increasing. Marjorie van Gulick is the person to contact about interest in groups. Beatrice Jaffe schedules events.

Vandalism is a problem, but vigilance in reporting this can be a help.

A quilting program is under way to prepare a backdrop for the stage area.

The report on motion approved.

Advisory Committee report. Nominations will be made under new business for standing committees and officers of the Town Assembly. There were complaints at the Advisory Committee about abuse of the use of Pond Lane for sledding. The young people were using abusive language, throwing things at cars, noisy late at night, and during the day older children were hurting the younger children. If the road is plowed, then no one can enjoy the sledding that has been allowed for many years. Dean Shaw pointed out that it is not fair to punish all the young people because of the bullish action of a few. Thomas Stapleford offered to organize a group of parents to supervise the activity on the hill when it snows.

Gwen Smith our representative reported that problems of the budget are being studied by the Legislature. They are trying to work out a fair answer to the malpractice insurance question.

The generic drug bill has been passed and druggist can fill prescriptions from compounds and do not have to use name brand medications. The savings will be passed along to the purchaser.

Annexation Committee-No report

Hugh Roberts reported for the Delaware League of Local Governments that the power of small cities is growing. The renewal of Revenue Sharing is backed by the league. He suggests we keep copies of the minutes of the league in the Library.

The question of the removal of the hospital to Stanton requires an enormous amount of study. Jane Aughey has a lot of information and she will share it with the Community Planning Committee.

Arden 75th Anniversary Committee report by Pat Liberman. Dora Johnson piloted the committee as chairperson for several months, but resigned as chairperson after the very successful reunion on October 5. Pat Liberman is now chairperson and Joan Colgan is assistant. The October 5 homecoming saw a volunteer group of Ardentown and Ardencroft neighbors welcoming visitors at a sidewalk cafe.

Inside the Gild Hall there was an exhibit of books, and an exhibit of work of several Arden photographers.

In the Craft Shop, the Archives Gallery attracted crowds of returnees with a display of pictures.

290 dinners were served in the Gild Hall and the celebration was capped by a production of "Twelfth Night" in the theater.

There have been musicals and walking tours. In November we began distribution of the new Arden map, created by Dick Florschuts as a birthday gift to Arden.

The next birthday project is the making of the Arden album quilt to be

hung in the Buzz Ware Village Center.

Several more events are planned to be completed on Arden Day, May 15.

The committee has been able to return \$400 of the \$1000 advanced by the Town Assembly.

The committee requests that everyone take a picture of their home and also a picture of its residents. We would like a print of each for the permanent Arden archives, with identification of house and individuals. Report on approved.

Hud Committee on the Community Development Act feel that it would be unwise for Arden to pursue a grant, because a law suit in Hartford is clouding the issues.

The committee is going to work on a comprehensive plan with technical assistance from the State Planning Office. This will be developed by the Community Planning Committee with the help of others appointed by Thomas Colgan, Chairman. Report Accepted.

The Advisory Committee presented its slate of nominees and it was accepted without nominations from the floor. Nominees are as follows:

Auditing Committee: William Bindloss, Marianne Cinaglia, Alton Dahl, Elvie Grimaldi, Peter Hamilton, John Hewlett.

Budget Committee: John Grimaldi, Daniel Mickewich, Matthew O'Conner, William Press

Civic Committee: Joad Kazan, Patricia Renzetti, Woodrow Vandever, Elizabeth Wood

Community Planning: Richard Florschutz, Nancy Hajar, Patricia Renzetti, Patricia Stapleford, Paul Thompson

Registration Committee: Deborah Colgan, Sarah Hamburger, Pamela Hoffman, Constance Klein, Virginia Shaw, Kathleen Worth

Safety Committee: William Berry, Barnes King, Richard Lynch, Thomas Stapleford

Buzz Ware Village Center: Andrew Foote, Aaron Hamburger, Gary Jones, Ruth Panella.

Chairman of Town Assembly: Thomas Colgan, Harold Monfort

Advisory Committee Chairman: Carolyn Liberman, William Press

Secretary of Town Assembly, Mary Morley; Treasurer of Town Assembly, Rae Gerstine.

First reading of proposed Ordinance 8-Dog Control

1. All dogs over 4 months of age shall be licensed by a proper city, county or state authority.
2. All licenses, and current rabies shot tags, shall be attached to a collar and worn at all times.
3. Dogs must be accompanied at all times by the owner or a custodian authorized by the owner and must be under reasonable control of said owner or custodian.
4. The attack of a person or animal by a dog shall be ipso facto evidence of lack of reasonable control.
5. Unlicensed dogs may be impounded or otherwise disposed of in any manner by any constable, game warden, or other peace officer.
6. Licensed Dogs may be disposed of in any manner by anyone upon attacking any person.
7. The fines for allowing a licensed dog to run at large without reasonable control shall be \$5.00 for the first offense, \$25.00 for the second offense, and \$50.00 for each succeeding offense. Offenses over one year old shall be dropped from the records for the purpose of this section. It is to be

understood that the total number of offenses is to be attributed to the owner, irrespective of whether one or more dogs under said owner's control is involved.

8. The fines for allowing an unlicensed dog to run at large shall be double those in Section 8, and shall be counted consecutively with violations under Section 8. All other provisions of Section 8 apply. It is understood that a dog whose license or rabies shot tag is not permanently attached to its collar shall be considered to unlicensed for all sections of this ordinance, whether such dog is in fact licensed or not.
9. Any constable may issue a ticket, which may be in the form of a letter, for any violation of this ordinance, without having to take a dog into custody. Such tickets may be paid without court costs, as for Arden traffic tickets. Optional trial in Magistrate's Court shall be available for owners wishing to plead not guilty.
10. Individuals wishing to have tickets issued under this ordinance shall present evidence of violation to any constable, who will take action if he deems the evidence conclusive. While not the only acceptable evidence, it shall be generally considered that any document delineating a violation of this ordinance, said document being signed by 4 people, 3 of whom are from different families, shall be considered sufficient evidence to justify issuance of a ticket for violations. It shall be understood that peace officers may issue ticket without such documents provided they have first-hand evidence of violations, or other evidence which they believe would be valid in any resulting trial.

A motion was made and passed that Section 6 be stricken from the proposed Ordinance 8.

Proposed Arden Ordinance 9- Mini Bikes

1. A mini-bike shall be considered to be a motorcycle as defined in the Arden Safety Code, Ordinance 1, Part I (General Regulations,) Section 100 (Definitions).
2. Motorcycles shall be considered to be motor vehicles as defined in the same Section 100 as in 1, above.
3. Operation of mini-bikes on the Greens, Forest, and Pedestrian Paths of Arden shall be prohibited, as are all other motor vehicles (Ordinance No. 4, Section 5), and the same \$25-\$100 fines shall apply.
4. Operation of mini-bikes on the roads of Arden shall be subject to all provisions regulating the use of motorcycles and other motor vehicles, including but not restricted to:
 - a- Proper State registration.
 - b- Operation by a licensed driver.
 - c- Use of proper safety equipment as required by State law.
 - d- Ordinance 1, Section 411.3, regulating proper seats & seating.

Applicable fines as delineated in State and/or local ordinance shall apply.

5. A constable or other peace officer may immediately impound any mini-bike which is not properly registered, is being driven by an unlicensed driver, or is being driven in such a manner as to constitute a clear and present danger to the driver or others. Such impoundment shall follow the procedures in Ordinance 1, Section 410.2. Payment of any impoundment costs as delineated in Ordinance 1 shall in no way negate the applicable fines of this ordinance.
- Add to Section 4. e-Ordinance 5, Sections 2 & 3 regulate excessive noise.

Proposed Arden Ordinance 10-Public Utilities.

1. A public utility shall be defined as any installation having anything to do with the distribution or collection of gas, electricity, water or sewerage.
2. It shall be a misdemeanor to enter into or upon, or to tamper with, any public utility or the premises thereof.
3. Such misdemeanor shall be punishable by a fine of \$50 to \$100.
4. All public utilities shall provide proper protection of their facilities to insure that access to said facilities by minors is made as difficult as can be reasonably expected.
5. Such protection shall be inspected periodically, and shall be maintained functional at all times.
6. Failure to provide or properly maintain such protection shall be subject to a fine of \$50 for the first offense and \$100 for each successive offense.

A motion was made that the ordinance be restricted to the water tower. Vote was taken and there were 25 aye and 29 nay vote; therefore, the motion failed. All utilities should be treated in the same way.

The following resolution was adopted unanimously:

"Resolved that the Secretary of the Town Assmblly write to the family of Newton Vandever expressing our condolences at his recent passing. The letter should review the many contributions Newton made to Arden over the years in execution of many jobs around the Village.

The following resolution prepared by the Arden Civic Committee was presented by Morris Rosin:

Resolved that the Town Assembly of the Village of Arden grants permission to the Civic Committee to act as its agent in monitoring permission granted below to Morris M. Rosin and Louis Lipstein to intall sewer lines from Leaseholds 24 and 37, respectively, through the Arden Forest to Hillside Road shown on a map prepared by the Committee. This permission is granted subject to written acceptance of the following conditions by Mr. Rosin and Mr. Lipstein:

1. Morris M. Rosin have prepared a document for the Village granting an easement for a sewer line from Leasehold 24 to Hillside Road. All costs of preparation including review and approval by an attorney designated by the Village of Arden to be assumed by Mr. Rosin.
2. Louis Lipstein have prepared a document for the Village granting and easement for a sewer line from Leasehold 37 to Hillside Road. All costs of preparation including review and approval by an attorney designated by the Village of Arden be assumed by Mr. Lipstein.
3. Morris M. Rosin and Louis Lipstein have prepared an easement for Louis Lipstein to install a sewer line across Leasehold 24 to connect with the sewer line mentioned in 1 and 2 above. This document is to be reviewed and approved by an attorney designated by the Trustees of Arden and subject to approval of the Trustees of Arden. All costs are to be assumed by Mr. Rosin and Mr. Lipstein.
4. Morris M. Rosin and Louis Lipstein shall prepare a legal document in the form of amendments to leases for Leaseholds 24 and 37, respectively. These documents shall state that holders of Leaseholds 24 and 37 shall for the duration of the leases or any new leases issued for those leaseholds shall be responsible for any maintenance required to the sewer lines in the Arden Forest. Maintenance activities can be initiated by the leaseholders or within 10 days of written notification of the need for immediate maintenance by the Civic Committee. Holders of leases 24 and 37 shall pay for the full cost of any repairs on an equal basis, unless they agree to another

distribution. These lease amendments shall be reviewed and approved by attorneys for the Trustees of Arden and the Village of Arden at a cost to be paid equally by Mr. Rosin and Mr. Lipstein.

5. The Civic Committee shall inspect the completed installation and ensure that the Arden Forest has been restored properly. If any additional work is required, it shall be performed within 15 days or the Civic Committee may arrange for necessary work at a cost to be paid equally by Mr. Rosin and Mr. Lipstein.

6. All installation work shall be done in exact accordance with the Map prepared by the Civic Committee as to location of the sewer line in the Arden Forest. All work is to be done so as to make minimal damage to the Arden Forest.

A motion was made and seconded that we accept the proposal as read by Morris Rosin.

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Mr. Rosin said that the run to Hillside Road, but he was advised by his plumber that it would be the best way and the connection to be made on Millers Road would be very deep because the sewer lines are 12 feet deep there.

Questions were raised whether the town would have to pay for the installation of pump if Mr. Rosin had to connect on Millers Road. Joan Colgan said that she ascertained from the Sewer Department that a pump would not be necessary.

Some expressed the feeling that permission should not be given to individual people to open sewer lines through the woods.

It was not resolved who had asked the Sewer Department to put a connection on Hillside Road.

A motion was made and passed to table the motion.

A motion was made and passed by vote of 27 ayes and 14 nays that the Civic Committee obtain a licensed engineer to study the plans and tell us whether Morris Rosin can hook into the Millers Road sewer lines without requiring a pump.

The meeting on motion adjourned.

Respectfully submitted,

Mary Morley
Mary Morley, Secretary